IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY EIGHTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

-

WRIT PETITION NO : 23327 of 2004

Between:

APSRTC, Rep. by its Managing Director,

Musheerabad, Hyderabad.

..... PETITIONER

AND

1. Secretary, State Transport Authority,

A.P. Hyderabad, rep. by its Secretary,
B.R.K.R. Buildings, Tank Bund, Hyderabad.

2. M/s. Kanker Roadways, Raipur, Chhattisgarh.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to Issue an appropriate writ, order or direction, especially in the nature of Writ of certiorari calling for the records relating to the impugned order R.No. 11927/B1/2004, dt. 2.12.2004 on the file of the Secretary State Transport authority, A.P., Hyderabad in granting temporary counter signature in favour of 2nd respondent on the Inter-State route Bailadilla to Hyderabad and quash the same as being hit by the provisions of Section 68(3) (ca) and 104 of M.V. Act, 1988 and pass such other

order and further orders to meet the ends of justice.

Counsel for the Petitioner: MR.KALLAKURI SRINIVASARAO
Counsel for the Respondent No.1: GP FOR TRANSPORT

The Court at the stage of admission made the following:

ORDER:

Challenging the impugned order R.No.11927/B1/2004 dated 02.12.2004 passed by the Secretary, State Transport Authority, the present writ petition is filed.

2. Notice has been taken to the second respondent. The only grievance of the learned counsel for the petitioner is that the stage carriage permit granted in favour of second respondent expires by 31.12.2004 and the impugned proceedings have been passed without notice to the writ petitioner. Therefore, in case the stage carriage permit for the vehicle of the second respondent is going to be considered by issuing a fresh permit, an opportunity may be given to him so as to put forward the grievance.

3. Learned Government Pleader for Transport contended that the case of the writ petitioner has to be considered in accordance with the provisions of Motor Vehicles Act and the Rules made thereunder. Since the permit granted in favour of the second respondent is going to be expired by 31.12.2004 and in case temporary permit is going to be considered by the first respondent in accordance with law and before taking any decision on the application of the second respondent for grant of temporary stage carriage permit, an opportunity should be given to the writ petitioner to put forward his case since this order will not effect the rights of the second respondent.

4. The writ petition is disposed of directing the first respondent to give a reasonable opportunity to the petitioner before granting any permit to the second respondent.

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K.C.BHANU,J

Date: 28th December 2004.

BSB

Note:

Issue wire at party's costs.

//B.O.//

BSB

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Managing Director, APSRTC, Musheerabad, Hyderabad.

2. The Secretary, State Transport Authority,

A.P. Hyderabad, B.R.K.R. Buildings,

Tank Bund, Hyderabad.

3. Two CCs to the Government Pleader for Transport, High Court of A.P.,

Hyderabad (OUT).

4. Two CD copies